# International Journal of Law in Context

A Global Forum for Interdisciplinary Legal Studies

Special Issue: Resistance to International Courts Guest Editor: Mikael Rask Madsen



## International Journal of Law in Context

#### **Editors-in-Chief**

Professor Penelope Andrews University of Cape Town, Faculty of Law, Private Bag X3, Rondebosch 7702, South Africa Email penelope.andrews@uct.ac.za

#### Professor Marc Hertogh

University of Groningen, Faculty of Law, Department of Legal Theory, PO Box 716, 9700 AS Groningen, The Netherlands Email M.L.M.Hertogh@rug.nl

Professor David Nelken

King's College London, Strand, London WC2R 2LS, UK Email david.nelken@kcl.ac.uk

#### **Reviews Editor**

Professor Heinz Klug

University of Wisconsin and University of Witwatersrand University of Wisconsin Law School, 975 Bascom Mall, Madison, Wisconsin 53706, USA Email heinz.klug@wisc.edu

#### **Founding Editor**

Professor Michael Freeman, University College London, UK

#### **International Editorial Board**

Professor Gad Barzilai, University of Haifa, Israel and University of Washington, USA

Professor Belinda Bennett, Queensland University of Technology (QUT), Australia

Professor Susan Boyd, University of British Columbia, Canada

Professor Anne Cheung, The University of Hong Kong, Hong Kong

Professor Davina Cooper, University of Kent, UK Professor Roger Cotterrell, Queen Mary, University of London, UK Professor Javier A. Couso, Universidad Diego Portales, Chile Professor Alison Diduck, University College London, UK Dr Seán Donlan, University of Limerick, Ireland Professor Eric A. Feldman, University of Pennsylvania, USA Professor Lawrence M. Friedman, Stanford University, USA Professor Judy Fudge, The University of Kent, UK Dr Elaine Genders, University College London, UK Professor Peter Goodrich, Cardozo School of Law, USA Dr David Gurnham, University of Southampton, UK Professor Jane Holder, University College London, UK Professor John Harris, University of Manchester, UK Professor Mavis Maclean, University of Oxford, UK Dr Mark Fathi Massoud, University of California Santa Cruz, USA Professor Christopher McCrudden, University of Oxford, UK Professor Carrie Menkel-Meadow, University of California, Irvine, USA Professor Naomi Mezey, Georgetown University, USA Professor Rizwaan Mokal, University College London, UK Professor Daniel Monk, Birkbeck, University of London, UK Professor Bronwen Morgan, University of New South Wales, Australia and University of Bristol, UK Professor Colm O'Cinneide, University College London, UK Professor Robert Rosen, University of Miami, USA Professor Edward Rubin, Vanderbilt University, USA Professor Philippe Sands Q.C., University College London, UK Dr Igor Stramignoni, London School Economics and Political Science, UK Professor William Twining, University College London, UK Professor Markus Wagner, University of Warwick, UK Professor Melanie L. Williams, University of Exeter School of Law, UK

### Contents

#### Articles

193–196	Special Issue – Resistance to International Courts Introduction and Conclusion Mikael Rask Madsen, Pola Cebulak and Micha Wiebusch
197–220	Backlash against international courts: explaining the forms and patterns of resistance to international courts Mikael Rask Madsen, Pola Cebulak and Micha Wiebusch
221–236	Patterns of avoidance: political questions before international courts <i>Jed Odermatt</i>
237–257	Parting ways or lashing back? Withdrawals, backlash and the Inter-American Court of Human Rights <i>Ximena Soley and Silvia Steininger</i>
258–274	Resistance against the Court of Justice of the European Union Andreas Hofmann
275–293	The limits of international adjudication: authority and resistance of regional economic courts in times of crisis <i>Salvatore Caserta and Pola Cebulak</i>
294–313	The African Court on Human and Peoples' Rights: mapping resistance against a young court <i>Tom Gerald Daly and Micha Wiebusch</i>